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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896.081	06/29/2001	Vincent M. D'Onofrio	2107.002USU	9510

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EXAMINER

PHUNKULH, BOB A

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,081	Applicant(s) D'ONOFRIO, VINCENT M.	
	Examiner Bob A. Phunkulh	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-10, 12-18, 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chea, Jr. et al. (US 6,574,313), hereinafter Chea.

Regarding claims 1 and 12, Chea discloses a communication network comprising:

a multiplexer located in a building having a plurality of units, wherein said multiplexer is coupled to said plurality of units via a local communication link (DSLAM 8, coupled to the plurality of terminals via copper loop 10, see figure 1); and

a switch coupled to said multiplexer via a synchronous optical network (SONET), for routing one or more communication packets between said multiplexer and a plurality of communication service providers (ATM switch 6 connected to the DSLAM via sonnet link, see figure 1 and col. 2 lines 6-16),

wherein said plurality of units can transmit and receive said one or more communication packets to and from said plurality of communication service providers

via said multiplexer (see col. 1 line 56 to col. 2 line 63).

Regarding claims 2, 13, Chea discloses the multiplexer comprises a digital subscriber loop access multiplexer (DSLAM) (see figure 1).

Regarding claims 3, 14, Chea discloses the switch comprises an asynchronous transfer mode (ATM) switch (see figure 1).

Regarding claims 4, 15, Chea discloses the plurality of communication service providers comprise a public switched telephone network (PSTN), and wherein said communication network further comprises a gateway between said switch and said PSTN for converting between a packetized voice over digital subscriber loop (DSL) signal for said switch and a standard telephone voice signal for said PSTN (as shown in figure 1 the ATM switch 6 is connected to data network and PSTN via gateway 4, see figure 1).

Regarding claims 5 and 16, Chea discloses the one or more communication packets comprises a voice packet and a data packet, and wherein said communication network further comprises a device between said multiplexer and a member of said plurality of units, for transmitting and receiving said voice packet and said data packet to and from said member via said local communication link (the IAD 12 is placed between the DSLAM and the plurality of subscribers and transmitting packetized voice and data

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signals, see figure 1 and col. 2 lines 43-55).

Regarding claims 6, 17, Chea discloses the device supports a plurality of voice circuits and a data circuit for said member by dynamically allocating bandwidth to said plurality of voice circuits (The IAD 12 then sends the voice and data signals out in separate virtual circuits, with the voice circuit getting priority, see figure 1 and col. 2 lines 43-55).

Regarding claims 7, 18, Chea discloses the multiplexer interfaces with a symmetric digital subscriber loop modem for a member of said plurality of units (copper loop 10, see figure 1, and col. 1 line 56 to col. 2 line 5).

Regarding claims 9 and 20, Chea discloses a communication network comprising:

a digital subscriber loop access multiplexer (DSLAM) located in a building having a plurality of units, wherein said DSLAM is coupled to said plurality of units via a wiring harness (DSLAM 8, figure 1);

a gateway coupled to a public service telephone network (PSTN) for converting between a packetized voice over digital subscriber loop (DSL) signal and a standard telephone voice signal for said PSTN (the gateway 4 coupled to the PSTN network, see figure 1); and

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an asynchronous transfer mode (ATM) switch coupled to said DSLAM via a synchronous optical network (SONET), for transmitting and receiving packetized voice over DSL signals to and from said gateway and for transmitting and receiving data packets to and from an Internet service provider (ATM switch 6, see figure 1),

wherein said plurality of units can transmit and receive said packetized voice over DSL signals and said data packets via said DSLAM (see col. 1 lines 14-32 and col. 2 lines 56-63).

Regarding claims 10, 21, Chea discloses a device between said DSLAM and a member of said plurality of units, for transmitting and receiving said packetized voice over DSL signals and said data packets to and from said member via a pair of wires in said wiring harness (IAD 12, see figure 1 and col. 43-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 11, 19, 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chea.

Regarding claims 8, 11, 19, 22, Chea fails to explicitly disclose that a backup power source connected to the multiplexer for supplying power to the multiplexer.

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Chea discloses a backup power source (DC voltage) connected to the IAD for supplying power to the IAD (see claim 25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made supply the same power supplying the IAD to the DSLAM in order to allows the customer to obtain an active telephone line during power outages.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bob A. Phunkulh



TC 2600
Art Unit 2661
March 16, 2005

BOB PHUNKULH
PRIMARY EXAMINER